

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN THE MATTER OF:

DUSTON T. POPE,

DEBTOR.

CHAPTER 13

CASE NO. 12-66232

HON. MARCI B. McIVOR

SECOND APPLICATION FOR APPROVAL AND AWARD OF ATTORNEY FEES AND COSTS

NOW COMES Applicant, ROCHELLE E. GUZNACK, counsel for Debtor, and hereby submits her first application for fees and expenses pursuant to LBR 2016-2 (EDM) as follows:

1. On November 30, 2012, this Chapter 13 case was commenced on behalf of Debtor by Applicant and the case was confirmed on May 22, 2013.

2. Applicant has received fees in the amount of \$4,420.00 and expenses in the amount of \$348.00 prior to filing this application.

3. Applicant requests fees in the amount of \$1,840.00 and expenses in the amount of \$27.30 totaling \$1,867.30 for services rendered between May 27, 2013 and January 29, 2014. There is no remaining retainer on deposit.

4. The following legal services, *inter alia* justify Applicants approval of fees and expenses:

A. Applicant filed a proposed plan modification that would permit Debtor to retain his 2012 tax refund due to unanticipated and, therefore, unbudgeted expenses;

B. Applicant attended two hearings on Debtor's motion to modify his Chapter 13 Plan;

C. Applicant exchanged numerous e-mails, and had multiple telephone conferences with Debtor regarding his Chapter 13 bankruptcy case, including his 2012 tax returns/refunds, student loans, and additional expenses;

D. Applicant reviewed in detail Debtor's financial circumstances, discussed with Debtor his options and communicated with the Chapter 13 Trustee's office regarding the proposed plan modification. Applicant drafted and filed a proposed amended Chapter 13 Plan to

reflect Debtor's additional expenses, and served the required notices on those entities/individuals on the matrix;

E. Applicant spent considerable time obtaining and reviewing documents to support Debtor's increased expenses and motion to modify his Chapter 13 Plan to permit him to retain his 2012 tax refund.

5. Following is a breakdown of time and costs expended in the relevant categories:

A. Case Administration - Applicant spent .5 hours or \$100.00 in fees for services rendered in connection with the case administration.

B. Chapter 13 Plan - Applicant spent 7.7 hours or \$1,540.00 in fees for services rendered in connection with the Chapter 13 Plan.

C. 341 Meeting and 2004 Examinations - Applicant spent 0 hours or \$0 in fees for services rendered in connection with the 341 Meeting.

D. Claims Administration - Applicant spent 0 hours or \$0 in fees for services rendered in connection with claims administration.

E. Relief from Stay, Extension and Imposition of Stay, Adequate Protection - None

F. Financing - None

G. Sale, Realization, and Liquidation of Estate Property - None

H. Adversary Proceedings - Applicant spent 0 hours or \$0 in fees for services rendered in connection with the Adversary proceeding

I. Business Operations - None

J. Fee Application Preparation - Applicant spent 1 hour or \$200.00 in fees for services rendered in connection with fee application preparation.

6. Pursuant to L.B.R. 2016-1 (a)(5) (E.D.M.) the current status of the case is confirmed.

7. Pursuant to L.B.R. 2016-1 (a)(5)(C) (E.D.M.) the approval of the fee application does not have an adverse impact on the Chapter 13 Plan.

8. Pursuant to L.B.R. 2016-1 (a)(6) (E.D.M.) applicant will continue to monitor and perform any legal services necessary for the continuance of the plan.

9. Pursuant to L.B.R. 2016-1 (a)(7) (E.D.M.) applicant will continue to monitor and perform any legal services necessary for Debtor to receive a discharge.

10. Pursuant to L.B.R. 2016-1 (a)(8) (E.D.M.) the application does not seek an award for services of more than one attorney or one paralegal for a specific instance.

11. Pursuant to L.B.R. 2016-1(a)(9) (E.D.M.) applicant seeks concurrence of the requested fees as set forth in the attached Exhibit 7.

12. Pursuant to L.B.R. 2016-1(a)(11) (E.D.M.) applicant has attached hereto the following exhibits:

Exhibit 1 is the proposed order granting this application.

Exhibit 2 is the order approving employment, if applicable.

Exhibit 3 is the statement of attorney fees pursuant to F.R.Bankr.P.2016(B) or a copy of the retainer agreement.

Exhibit 4 is a summary of hours of service rendered, and the hourly rate charged.

Exhibit 5 is an itemized record of time spent, services rendered, and reimbursable expenses for which compensation is sought.

Exhibit 6 is a brief biological statement of Applicant.

Exhibit 7 is an itemized statement of expenses for which reimbursement is sought.

Exhibit 8 is notice to the Debtors requesting approval of this application.

14. Pursuant to L.B.R. 2016-1(a)(3) attorney fees and costs do not exceed \$3,500.00.

WHEREFORE, Rochelle E. Guznack hereby moves this court for approval and award of attorney fees in the amount of \$1,840.00 and expenses in the amount of \$27.30 for a balance totaling \$1,867.30.

LAW OFFICES OF ROCHELLE GUZNACK

/s/ Rochelle E. Guznack (P61675)

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Dated: January 29, 2014